

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

IN RE:	§
	§
RIC (LAVERNIA) LLC,	§ Case No. 24-51195-mmp
	§
Debtor	§ Chapter 11
	§
<hr/>	
OTISCO RDX, LLC,	§
	§
Plaintiff	§ Adversary No. 25-05040-mmp
	§
v.	§
	§
RIC (LAVERNIA) LLC, AND	§
TIG ROMSPEN US MASTER	§
MORTGAGE LP,	§
	§
Defendants.	§

**DEFENDANTS' OBJECTION TO PLAINTIFF'S MOTION FOR VOLUNTARY
DISMISSAL OF ADVERSARY PROCEEDING AND NOTICE OF
WITHDRAWAL OF FILING**

RIC (Lavernia) LLC and TIG Romspen US Master Mortgage LP (collectively the “Defendants”) object to *Plaintiff’s Motion for Voluntary Dismissal of Adversary Proceeding and Notice of Withdrawal of Filing* (the “Motion”) [ECF No. 29] filed by Plaintiff OTISCO RDX, LLC (“OTISCO”).

OTISCO seeks leave to withdraw its complaint pursuant to Federal Rule of Civil Procedure 11(c)(2), which is not incorporated into this adversary proceeding pursuant to Federal Rule of Bankruptcy Procedure 9011. Notwithstanding, while Federal Rule of Civil Procedure 11(c)(2) and Federal Rule of Bankruptcy Procedure

9011(c)(2) limit sanctions upon withdrawal, neither rule provides a mechanism for voluntary dismissal of an entire adversary proceeding. Rather, and as suggested in the last sentence of the Motion, dismissal is addressed under Federal Rule of Civil Procedure 41(a) (as incorporated by Federal Rule of Bankruptcy Procedure 7041).

“[A]n action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” Fed. R. Civ. P. 41(a)(2). The Court should deny the Motion as moot. By order entered on June 5, 2025 [ECF 18], the Court has ruled on the merits: OTISCO’s complaint has been dismissed with prejudice or, alternatively, summary judgment has been granted in Defendants’ favor. *See, e.g., Dube v. Boyer*, 594 F. Supp. 2d 91 (D. Me. 2009) (denying as moot plaintiff’s voluntary motion to dismiss as a result of entry of summary judgment).

Accordingly, Defendants respectfully request that the Court deny OTISCO’s Motion.

Respectfully submitted this 8th day of July, 2025.

BRYAN CAVE LEIGHTON PAISNER LLP

/s/ Kyle S. Hirsch

Kyle S. Hirsch (Tex. Bar No. 24117262)
R. Luke Graham (Tex. Bar No. 24127305)
2200 Ross Avenue, 4200W
Dallas, Texas 75201
Telephone: 602.364.7170
Email: kyle.hirsch@bclplaw.com
luke.graham@bclplaw.com

Brigid K. Ndege (*Pro Hac Vice*)
161 North Clark Street, Suite 4300
Chicago, Illinois 60601-3315
Telephone: 312.602.5104
Email: brigid.ndege@bclplaw.com
Counsel for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2025, I caused a true and correct copy of the foregoing to be served on counsel for Plaintiff OTISCO RDX, LLC via email to:

Justin Rayome
Justin.rayome.law@gmail.com

Paul Kirklin
pkirklin@kirklinlaw.com

/s/ Kyle S. Hirsch
Kyle S. Hirsch